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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 RODNEY STEVEN MITUNIEWICZ

12 Plaintiff,
13 v.

14 HAROLD CLARKE *et al.*,

15 Defendants.

16 Case No. C06-5383RBL

17 ORDER GRANTING
18 APPLICATION TO PROCEED *IN FORMA PAUPERIS* AND
19 DIRECTING INSTITUTION TO
20 CALCULATE, COLLECT, AND
21 FORWARD PAYMENTS

22 The Court, having reviewed plaintiff's application to proceed in forma pauperis (Doc. 1), does
23 hereby find and ORDER.

24 (1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give security
25 therefor. Accordingly, plaintiff's application to proceed as a pauper is **GRANTED**. As set forth below,
26 **an initial partial filing fee will be collected, and plaintiff is required to make monthly payments of
27 20 percent of the preceding months income credited to his/her account until the full amount of the
filing fee is satisfied.**

28 (2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed *in forma
pauperis*, the agency having custody of the above named plaintiff is directed to calculate an initial partial
filing fee equal to 20 percent of greater of -- the average monthly deposits to the prisoner's account or the
average monthly balance in the prisoner's account for the 6-month period immediately preceding the date
of this Order. The initial partial filing fee should be forwarded to the court clerk as soon as practicable.

29 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is directed to

collect and forward payments equal to 20 percent of the prisoner's preceding month's income credited to the prisoner's account. In the event that the monthly payment would reduce the prisoner's account below \$10.00, the agency should collect and forward only that amount which would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit does not apply to the initial partial filing fee described above. Finally, the monthly payments should be collected and forwarded to the court until the entire filing fee (\$350.00) for this matter has been paid.

(3) The Clerk is directed to send plaintiff a copy of this Order and the General Order, and a copy of this Order along with a copy of plaintiff's Acknowledgment and Authorization portion of the IFP application to the attention of the inmate account manager (IFP account manager) at the Washington State Department of Corrections.

DATED this 31st day of July, 2006.

/S/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge